



House of Representatives

File No. 749

General Assembly

January Session, 2017

(Reprint of File No. 654)

Substitute House Bill No. 5743
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 11, 2017

AN ACT CONCERNING HATE CRIMES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-58 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) It shall be a discriminatory practice in violation of this section for
4 any person to subject, or cause to be subjected, any other person to the
5 deprivation of any rights, privileges or immunities, secured or
6 protected by the Constitution or laws of this state or of the United
7 States, on account of religion, national origin, alienage, color, race, sex,
8 gender identity or expression, sexual orientation, blindness, mental
9 disability or physical disability.

10 (b) Any person who intentionally desecrates any public property,
11 monument or structure, or any religious object, symbol or house of
12 religious worship, or any cemetery, or any private structure not owned
13 by such person, shall be in violation of subsection (a) of this section.
14 For the purposes of this subsection, "desecrate" means to mar, deface
15 or damage as a demonstration of irreverence or contempt.

16 (c) Any person who places a burning cross or a simulation thereof
17 on any public property, or on any private property without the written
18 consent of the owner, and with intent to intimidate or harass any other
19 person or group of persons, shall be in violation of subsection (a) of
20 this section.

21 (d) Any person who places a noose or a simulation thereof on any
22 public property, or on any private property without the written
23 consent of the owner, and with intent to intimidate or harass any other
24 person on account of religion, national origin, alienage, color, race, sex,
25 gender identity or expression, sexual orientation, blindness, mental
26 disability or physical disability, shall be in violation of subsection (a) of
27 this section.

28 (e) [Any] (1) Except as provided in subdivision (2) of this subsection,
29 any person who violates any provision of this section shall be guilty of
30 a class A misdemeanor and shall be fined not less than one thousand
31 dollars, except that if property is damaged as a consequence of such
32 violation in an amount in excess of one thousand dollars, such person
33 shall be guilty of a class D felony and shall be fined not less than one
34 thousand dollars.

35 (2) Any person who violates the provisions of this section by
36 intentionally desecrating a house of religious worship (A) shall be
37 guilty of a class D felony and shall be fined not less than one thousand
38 dollars if property is damaged as a consequence of such violation in an
39 amount up to and including ten thousand dollars, and (B) shall be
40 guilty of a class C felony and shall be fined not less than three
41 thousand dollars if the property damaged as a consequence of such
42 violation is in an amount in excess of ten thousand dollars.

43 (3) The minimum amount of any fine imposed by the provisions of
44 this section may not be remitted or reduced by the court unless the
45 court states on the record its reasons for remitting or reducing such
46 fine.

47 (4) The court may order restitution for any victim of a violation of

48 this section pursuant to subsection (c) of section 53a-28.

49 Sec. 2. Subsection (a) of section 53a-30 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective*
51 *October 1, 2017*):

52 (a) When imposing sentence of probation or conditional discharge,
53 the court may, as a condition of the sentence, order that the defendant:
54 (1) Work faithfully at a suitable employment or faithfully pursue a
55 course of study or of vocational training that will equip the defendant
56 for suitable employment; (2) undergo medical or psychiatric treatment
57 and remain in a specified institution, when required for that purpose;
58 (3) support the defendant's dependents and meet other family
59 obligations; (4) make restitution of the fruits of the defendant's offense
60 or make restitution, in an amount the defendant can afford to pay or
61 provide in a suitable manner, for the loss or damage caused thereby
62 and the court may fix the amount thereof and the manner of
63 performance; (5) if a minor, (A) reside with the minor's parents or in a
64 suitable foster home, (B) attend school, and (C) contribute to the
65 minor's own support in any home or foster home; (6) post a bond or
66 other security for the performance of any or all conditions imposed; (7)
67 refrain from violating any criminal law of the United States, this state
68 or any other state; (8) if convicted of a misdemeanor or a felony, other
69 than a capital felony under the provisions of section 53a-54b in effect
70 prior to April 25, 2012, a class A felony or a violation of section 21a-
71 278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any
72 offense for which there is a mandatory minimum sentence which may
73 not be suspended or reduced by the court, and any sentence of
74 imprisonment is suspended, participate in an alternate incarceration
75 program; (9) reside in a residential community center or halfway
76 house approved by the Commissioner of Correction, and contribute to
77 the cost incident to such residence; (10) participate in a program of
78 community service labor in accordance with section 53a-39c; (11)
79 participate in a program of community service in accordance with
80 section 51-181c; (12) if convicted of a violation of subdivision (2) of
81 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,

82 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
83 if convicted of a criminal offense against a victim who is a minor, a
84 nonviolent sexual offense or a sexually violent offense, as defined in
85 section 54-250, or of a felony that the court finds was committed for a
86 sexual purpose, as provided in section 54-254, register such person's
87 identifying factors, as defined in section 54-250, with the
88 Commissioner of Emergency Services and Public Protection when
89 required pursuant to section 54-251, 54-252 or 54-253, as the case may
90 be; (14) be subject to electronic monitoring, which may include the use
91 of a global positioning system; (15) if convicted of a violation of section
92 46a-58, as amended by this act, 53-37a, 53a-181j, as amended by this
93 act, 53a-181k, as amended by this act, or 53a-181l, as amended by this
94 act, participate in an anti-bias [crime education program] or diversity
95 awareness program or participate in a program of community service
96 designed to remedy damage caused by the commission of a bias crime
97 or otherwise related to the defendant's violation; (16) if convicted of a
98 violation of section 53-247, undergo psychiatric or psychological
99 counseling or participate in an animal cruelty prevention and
100 education program provided such a program exists and is available to
101 the defendant; or (17) satisfy any other conditions reasonably related to
102 the defendant's rehabilitation. The court shall cause a copy of any such
103 order to be delivered to the defendant and to the probation officer, if
104 any.

105 Sec. 3. Section 53a-61aa of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective October 1, 2017*):

107 (a) A person is guilty of threatening in the first degree when such
108 person (1) (A) threatens to commit any crime involving the use of a
109 hazardous substance with the intent to terrorize another person, to
110 cause evacuation of a building, place of assembly or facility of public
111 transportation or otherwise to cause serious public inconvenience, or
112 (B) threatens to commit such crime in reckless disregard of the risk of
113 causing such terror, evacuation or inconvenience; (2) (A) threatens to
114 commit any crime of violence with the intent to cause evacuation of a
115 building, place of assembly or facility of public transportation or

116 otherwise to cause serious public inconvenience, or (B) threatens to
117 commit such crime in reckless disregard of the risk of causing such
118 evacuation or inconvenience; (3) commits threatening in the second
119 degree as provided in section 53a-62, as amended by this act, and in
120 the commission of such offense such person uses or is armed with and
121 threatens the use of or displays or represents by such person's words
122 or conduct that such person possesses a pistol, revolver, shotgun, rifle,
123 machine gun or other firearm; or (4) violates subdivision (1) or (2) of
124 this subsection with the intent to cause an evacuation of a building or
125 the grounds of a (A) house of religious worship, (B) religiously-
126 affiliated community center, (C) public or nonpublic preschool, school
127 or institution of higher education, or (D) day care center, as defined in
128 section 19a-87g, during operational, preschool, school or instructional
129 hours or when a building or the grounds of such house of worship,
130 community center, preschool, school, [or] institution or day care center
131 are being used for the provision of religious or community services, or
132 house of worship, community center, preschool, school, [or institution-
133 sponsored] institution or day care center-sponsored activities. No
134 person shall be found guilty of threatening in the first degree under
135 subdivision (3) of this subsection and threatening in the second degree
136 upon the same transaction but such person may be charged and
137 prosecuted for both such offenses upon the same information.

138 (b) For the purposes of this section, "hazardous substance" means
139 any physical, chemical, biological or radiological substance or matter
140 which, because of its quantity, concentration or physical, chemical or
141 infectious characteristics, may cause or significantly contribute to an
142 increase in mortality or an increase in serious irreversible or
143 incapacitating reversible illness, or pose a substantial present or
144 potential hazard to human health and "religiously-affiliated
145 community center" means real property used for the provision of
146 recreational, social or educational services that is owned or leased by a
147 nonprofit organization that holds such property out as being affiliated
148 with an organized religion.

149 (c) Threatening in the first degree is a class D felony, except that a

150 violation of subdivision (4) of subsection (a) of this section is a class C
151 felony.

152 Sec. 4. Section 53a-62 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective October 1, 2017*):

154 (a) A person is guilty of threatening in the second degree when: (1)
155 By physical threat, such person intentionally places or attempts to
156 place another person in fear of imminent serious physical injury, (2)
157 (A) such person threatens to commit any crime of violence with the
158 intent to terrorize another person, or (B) such person threatens to
159 commit such crime of violence in reckless disregard of the risk of
160 causing such terror, or (3) violates subdivision (1) or (2) of this
161 subsection and the person threatened is in a building or on the
162 grounds of a (A) house of religious worship, (B) religiously-affiliated
163 community center, (C) public or nonpublic preschool, school or
164 institution of higher education, or (D) day care center, as defined in
165 section 19a-87g, during operational, preschool, school or instructional
166 hours or when a building or the grounds of such house of worship,
167 community center, preschool, school, [or] institution or day care center
168 are being used for the provision of religious or community services, or
169 house of worship, community center, preschool, school, [or institution-
170 sponsored] institution or day care center-sponsored activities.

171 (b) For the purposes of this section, "religiously-affiliated
172 community center" has the same meaning as provided in section 53a-
173 61aa, as amended by this act.

174 [(b)] (c) Threatening in the second degree is a class A misdemeanor,
175 except that a violation of subdivision (3) of subsection (a) of this
176 section is a class D felony.

177 Sec. 5. Section 53a-181j of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective October 1, 2017*):

179 (a) A person is guilty of intimidation based on bigotry or bias in the
180 first degree when such person maliciously, and with specific intent to

181 intimidate or harass another person because of the actual or perceived
182 race, religion, ethnicity, disability, sex, sexual orientation or gender
183 identity or expression of such other person, causes [serious] physical
184 injury to such other person or to a third person.

185 (b) Intimidation based on bigotry or bias in the first degree is a class
186 C felony, for which three thousand dollars of the fine imposed may not
187 be remitted or reduced by the court unless the court states on the
188 record its reasons for remitting or reducing such fine.

189 Sec. 6. Section 53a-181k of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective October 1, 2017*):

191 (a) A person is guilty of intimidation based on bigotry or bias in the
192 second degree when such person maliciously, and with specific intent
193 to intimidate or harass another person or group of persons because of
194 the actual or perceived race, religion, ethnicity, disability, sex, sexual
195 orientation or gender identity or expression of such other person or
196 group of persons, does any of the following: (1) Causes physical
197 contact with such other person or group of persons, (2) damages,
198 destroys or defaces any real or personal property of such other person
199 or group of persons, or (3) threatens, by word or act, to do an act
200 described in subdivision (1) or (2) of this subsection, if there is
201 reasonable cause to believe that an act described in subdivision (1) or
202 (2) of this subsection will occur.

203 (b) Intimidation based on bigotry or bias in the second degree is a
204 class D felony, for which one thousand dollars of the fine imposed may
205 not be remitted or reduced by the court unless the court states on the
206 record its reasons for remitting or reducing such fine.

207 Sec. 7. Section 53a-181l of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective October 1, 2017*):

209 (a) A person is guilty of intimidation based on bigotry or bias in the
210 third degree when such person, with specific intent to intimidate or
211 harass another person or group of persons because of the actual or

212 perceived race, religion, ethnicity, disability, sex, sexual orientation or
213 gender identity or expression of such other person or persons: (1)
214 Damages, destroys or defaces any real or personal property, or (2)
215 threatens, by word or act, to do an act described in subdivision (1) of
216 this subsection or advocates or urges another person to do an act
217 described in subdivision (1) of this subsection, if there is reasonable
218 cause to believe that an act described in said subdivision will occur.

219 (b) Intimidation based on bigotry or bias in the third degree is a
220 class [A misdemeanor] E felony, for which one thousand dollars of the
221 fine imposed may not be remitted or reduced by the court unless the
222 court states on the record its reasons for remitting or reducing such
223 fine.

224 Sec. 8. (NEW) (*Effective October 1, 2017*) (a) There shall be a State-
225 Wide Hate Crimes Advisory Council within the Office of the Chief
226 State's Attorney, for administrative purposes only. Members of the
227 council shall include (1) the following, or their designees: The Chief
228 State's Attorney; the Chief Public Defender; the Commissioner of
229 Emergency Services and Public Protection; the president of the
230 Connecticut Bar Association; the president of the George W. Crawford
231 Black Bar Association; the president of the South Asian Bar Association
232 of Connecticut; the president of the Connecticut Asian Pacific
233 American Bar Association; the president of the Connecticut Hispanic
234 Bar Association; and the president of the Connecticut Police Chiefs
235 Association; and (2) no more than thirty appointed by the Governor
236 who are representatives of organizations committed to decreasing hate
237 crimes, improving diversity awareness or representing the interests of
238 groups within the state protected by sections 53a-181j to 53a-181l,
239 inclusive, of the general statutes, as amended by this act.

240 (b) The Governor shall appoint two chairpersons of such council
241 from among the members of the council.

242 (c) The council shall meet at least semiannually to encourage and
243 coordinate programs to increase community awareness and reporting

244 of hate crimes and to combat such crimes and make recommendations
 245 for any legislation concerning such crimes, including, but not limited
 246 to, recommendations concerning restitution for victims of such crimes,
 247 community service designed to remedy damage caused by any such
 248 crime or that is related to the commission of any such crime and
 249 additional alternative sentencing programs for first time offenders and
 250 juvenile offenders.

251 (d) Not later than October 1, 2018, and annually thereafter, the
 252 council shall report, in accordance with the provisions of section 11-4a
 253 of the general statutes, its recommendations to the joint standing
 254 committees of the General Assembly having cognizance of matters
 255 relating to the judiciary and public safety.

256 Sec. 9. Section 51-279d of the general statutes is repealed. (*Effective*
 257 *October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46a-58
Sec. 2	<i>October 1, 2017</i>	53a-30(a)
Sec. 3	<i>October 1, 2017</i>	53a-61aa
Sec. 4	<i>October 1, 2017</i>	53a-62
Sec. 5	<i>October 1, 2017</i>	53a-181j
Sec. 6	<i>October 1, 2017</i>	53a-181k
Sec. 7	<i>October 1, 2017</i>	53a-181l
Sec. 8	<i>October 1, 2017</i>	New section
Sec. 9	<i>October 1, 2017</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
State Comptroller - Fringe Benefits ¹	GF - Cost	Less than 57,000	Less than 57,000
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the penalty for certain crimes and results in a potential cost for increased incarceration or probation. To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The bill increases the minimum fine for certain crimes and results in a potential revenue gain. However, there have been no fines collected for the crimes specified in the past five years.

House "A" removed provision of the bill that resulted in a cost to

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.08% of payroll in FY 18 and FY 19.

the Department of Emergency Services and Public Protection for operating a hate crimes hotlines. The amendment also made clarifying changes that did not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of violations.

OLR Bill Analysis**sHB-5743 (as amended by House "A")******AN ACT CONCERNING HATE CRIMES.*****SUMMARY**

This bill makes several changes to the hate crime laws, including enhancing penalties in some cases. Among other things, the bill:

1. imposes minimum fines for certain hate crimes, including deprivation of rights; desecration of property; cross burning; and 1st, 2nd, and 3rd degree intimidation based on bigotry or bias (§§ 1 & 5-7);
2. allows the court to cancel or reduce the minimum fines the bill imposes if the court states on the record its reasons for doing so (§§ 1 & 5-7);
3. enhances the penalty for desecration of a house of religious worship (§ 1);
4. increases the penalty for 1st and 2nd degree threatening when the threat affects a house of worship, religiously-affiliated community center, or day care center (§§ 3 & 4);
5. increases, from a class A misdemeanor to a class E felony, the penalty for 3rd degree intimidation based on bigotry or bias (§§ 5-7);
6. allows the court, as a condition of probation or conditional release, to require hate-crime offenders to participate in certain programs (§ 2); and
7. replaces the Hate Crimes Advisory Committee with a new

State-Wide Hate Crimes Advisory Council within the Office of the Chief State's Attorney (§§ 8 & 9).

*House Amendment "A" defines the term "religiously-affiliated community center" for the purpose of the threatening crimes. Regarding the elements of the crime of placing a burning cross on another person's property, the amendment adds "intent to harass" as an alternative to the underlying bill's "intent to intimidate." It also removes the provisions in the underlying bill that (1) required the Department of Emergency Services and Public Protection (DESPP) commissioner to establish a toll-free hotline to receive and respond to reports of hate crimes and (2) provided employment protection for certain employees who miss work because of closure of a day care center or school because of a hate crime threat. The amendment also makes a conforming change.

EFFECTIVE DATE: October 1, 2017

§ 1 — DEPRIVATION OF RIGHTS AND DESECRATION OF PROPERTY

The bill makes various changes to the elements of certain hate crimes that deprive someone of his or her rights, as well as enhances penalties for deprivation of rights and desecration of property.

Deprivation of Rights

By law, it is a crime to deprive someone of any legally-guaranteed right because of his or her religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, or mental or physical disability. Existing law specifies that placement of a burning cross or a noose on another person's property are two types of this crime.

Under current law, it is a crime to place a burning cross or simulation of one on public property, or on private property without the written consent of the owner. The bill makes this a crime only if the person acted with the intent to intimidate or harass someone or a group of people.

It is also a crime under current law to place a noose or simulation of one on public property, or on private property without the written consent of the owner, and with the intent to harass someone because of his or her religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability. The bill adds “gender identity or expression” and “mental disability” to the list of protected classes.

Desecration of Property

By law, unchanged by the bill, it is also a hate crime to intentionally desecrate any public property, monument, or structure; religious object, symbol, or house of worship; cemetery; or private structure owned by someone else.

Enhanced Penalties

Under current law, the crimes described above are class A misdemeanors, but they are class D felonies if there is more than \$1,000 in property damage. The bill enhances this penalty by imposing a minimum fine of \$1,000 whether the crime is a misdemeanor or a felony.

By law, a class A misdemeanor is punishable by up to one year imprisonment, a fine of up to \$2,000, or both; a class D felony is punishable by up to five years imprisonment, a fine of up to \$5,000, or both.

The bill further enhances the penalty for these crimes if the offender intentionally desecrates a house of religious worship (see Table 1 below).

Table 1: Intentional Desecration of a House of Religious Worship

<i>Classification</i>	<i>Property Damage Resulting from the Crime</i>	<i>Minimum Fine under the Bill</i>
Class D felony (up to five years in prison, a fine of up to \$5,000, or both)	\$10,000 or less	\$1,000

Class C felony (one to 10 years in prison, a fine of up to \$10,000, or both)	more than \$10,000	\$3,000
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The bill prohibits the court from canceling or reducing the minimum fines unless the court states on the record its reasons for doing so. The bill also allows the court to order the offender to pay financial restitution to the victim.

§ 2 — CONDITIONS OF PROBATION AND CONDITIONAL DISCHARGE

By law, a court, as a condition of probation or conditional discharge, may require an offender to participate in certain programs if he or she is convicted of (1) a bigotry or bias crime; (2) deprivation of rights, desecration of property, or cross burning; or (3) deprivation of a person's civil rights by a person wearing a mask or hood.

Under current law, the court may require such an offender to participate in an anti-bias crime education program. The bill instead allows the court to require the offender to participate in (1) an anti-bias or diversity awareness program or (2) a community service program designed to remedy damage caused by the commission of a bias crime or otherwise related to the defendant's violation.

§§ 3 & 4 — THREATENING CRIMES

1st Degree Threatening

By law, 1st degree threatening includes threats to commit a violent crime or a crime using a hazardous substance with intent to cause, or with reckless disregard the risk of causing, (1) evacuation of a building, place of assembly, or public transportation facility; (2) serious public inconvenience; or (3) for hazardous substance crimes, terror in a person.

The bill increases the penalty for such 1st degree threatening from a class D felony to a class C felony, if the threat was made with intent to cause the evacuation of the building or grounds of a house of religious

worship, religiously-affiliated community center, or day care center during operational hours or when such buildings or grounds are being used to provide religious or community services or for house of worship-, community center-, or day care center-sponsored activities.

Under the bill, a “religiously-affiliated community center” is real property used for the provision of recreational, social, or educational services that is owned or leased by a nonprofit organization that holds the property out as being affiliated with an organized religion.

By law, unchanged by the bill, such 1st degree threatening is already a class C felony if the threat was made with the intent to cause the evacuation of a preschool, school, or institution of higher education.

2nd Degree Threatening

By law, a person is guilty of 2nd degree threatening when he or she (1) intentionally places or attempts to cause someone to fear imminent serious physical injury by physical threat or (2) threatens to commit a violent crime with intent to terrorize someone or in reckless disregard of the risk of doing so.

The bill increases the penalty for this crime from a class A misdemeanor to a class D felony if the threatened person was in the building or on the grounds of a house of religious worship, religiously-affiliated community center, or day care center during operational hours or when such buildings or grounds are being used to provide religious or community services or for house of worship-, community center-, or day care center-sponsored activities.

By law, such 2nd degree threatening is already a class D felony if the threatened person was in the building or on the grounds of a preschool, school, or higher education institution.

§§ 5-7 — INTIMIDATION BASED ON BIGOTRY OR BIAS

The bill makes the following changes to the crimes of 1st, 2nd, and 3rd degree intimidation based on bigotry or bias (see BACKGROUND):

1. adds “sex” to the list of protected classes;
2. enhances the penalty for these crimes by imposing a minimum fine depending on the degree of the crime, as shown in Table 2;
3. prohibits the court from canceling or reducing the minimum fine unless the court states on the record its reasons for doing so;
4. requires, for the 1st degree crime, that the intimidation causes physical injury, instead of serious physical injury;
5. adds, to the definition of the 2nd degree crime, the intimidation or harassment of a group of people, instead of just an individual; and
6. increases, from a class A misdemeanor to a class E felony, the penalty for the 3rd degree crime (as shown in Table 2).

Table 2: Intimidation Based on Bigotry or Bias

Crime	Classification under Current Law	Classification under the Bill	Minimum Fine under the Bill*
1 st degree	Class C felony (one to 10 years in prison, a fine of up to \$10,000, or both)	Unchanged	\$3,000
2 nd degree	Class D felony (up to five years in prison, a fine of up to \$5,000, or both)	Unchanged	\$1,000
3 rd degree	Class A misdemeanor (up to one year in prison, a fine of up to \$2,000, or both)	Class E felony (up to three years in prison, a fine of up to \$3,500, or both)	\$1,000

*Unless the court states on the record its reasons for canceling or reducing the minimum fine.

§§ 8 & 9 — STATE-WIDE HATE CRIMES ADVISORY COUNCIL

The bill eliminates the existing Hate Crimes Advisory Committee and replaces it with a new State-Wide Hate Crimes Advisory Council within the Office of the Chief State's Attorney.

The council must meet at least semiannually to encourage and coordinate programs to increase community awareness, reporting, and combating of hate crimes. (The Hate Crimes Advisory Committee has a similar mission.)

Members and Appointments

The council's members include the following individuals, or their designees:

1. the chief state's attorney;
2. the chief public defender;
3. the DESPP commissioner;
4. the Connecticut Bar Association, George W. Crawford Black Bar Association, South Asian Bar Association of Connecticut, Connecticut Asian Pacific American Bar Association, and Connecticut Hispanic Bar Association presidents;
5. the Connecticut Police Chiefs Association president; and
6. up to 30 representatives of organizations committed to decreasing hate crimes, improving diversity awareness, or representing the interests of groups within the state protected by Connecticut's intimidation statutes (§§ 5-7 of the bill), appointed by the governor.

The governor must also appoint the council's two chairpersons from among its members.

Recommendations and Reporting

The bill requires the council to make recommendations for any legislation concerning hate crimes, such as:

1. restitution for victims of such crimes,
2. community service designed to remedy damage caused by any

such crime or related to the commission of any such crime, and

3. additional alternative sentencing programs for first-time offenders and juvenile offenders.

The council must report its recommendations to the Judiciary and Public Safety committees annually starting October 1, 2018.

BACKGROUND

1st Degree Intimidation

Under existing law, a person commits the 1st degree crime of intimidation based on bigotry or bias if he or she maliciously and with specific intent to intimidate or harass another person because of that person's actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression causes serious physical injury to that person or a third person.

2nd Degree Intimidation

Under existing law, a person commits the 2nd degree crime if he or she acts maliciously with specific intent to intimidate or harass another person because of that person's actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression by:

1. making physical contact with the victim;
2. damaging, destroying, or defacing property; or
3. threatening to do either of these things, and the victim has reasonable cause to believe he will carry out the threat.

3rd Degree Intimidation

Under existing law, a person commits the 3rd degree crime if he or she, with specific intent to intimidate or harass a person or group of people because of their actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression (1) damages, destroys, or defaces any property or (2) threatens to do so by

word or act or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 1 (04/03/2017)